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The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development

Security Council
Sixty-ninth year

Identical letters dated 28 March 2014 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit herewith a letter dated 26 March 2014 from the Minister for Foreign Affairs and International Cooperation of Honduras, Mireya Agüero de Corrales (see annex).

That letter is addressed to the Minister for Foreign Affairs of the Republic of El Salvador, Jaime Alfredo Miranda Flamenco, and concerns a number of issues in relation to the situation in the Gulf of Fonseca.

In this connection, I respectfully request that the present letter and its annex be circulated to all the States Members of the United Nations and issued as a document of the General Assembly, under agenda item 41, and of the Security Council.

(*Signed*) Mary E. **Flores**
Ambassador
Permanent Representative

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Annex to the identical letters dated 28 March 2014 from the Permanent Representative of Honduras to the United Nations addressed to the Secretary-General and the President of the Security Council

Letter dated 26 March 2014 from the Minister for Foreign Affairs and International Cooperation of Honduras addressed to the Minister for Foreign Affairs of El Salvador

Tegucigalpa, 26 March 2014

I have the honour to refer to the note dated 24 March 2014 from the President of El Salvador, Mr. Mauricio Funes, to the President of Honduras, Mr. Juan Orlando Hernández Alvarado, and to state the following:

1. In relation to the subject of the litigation, Honduras and El Salvador, in article 2 of their special agreement of 24 May 1986, requested the International Court of Justice "... 2. To determine the legal situation of the islands and maritime spaces".

2. With respect to this request from the parties, El Salvador consistently, in all of its written submissions and also during the oral proceedings, asked the Court to determine "that El Salvador has and had sovereignty over all the islands in the Gulf of Fonseca, with the exception of the Island of Zacate Grande, which can be considered as forming part of the coast of Honduras".

3. It is surprising that such a misinformed, audacious and easily challenged statement was made at the highest level, as it must be borne in mind that the Court, in its judgment of 11 September 1992, decided that it had jurisdiction to determine the legal situation of all the islands of the Gulf, but that such jurisdiction should only be exercised in respect of those islands which had been shown to be the subject of a dispute; that the islands shown to be in dispute between the parties are El Tigre, Meanguera and Meanguerita; that the Island of El Tigre is part of the sovereign territory of the Republic of Honduras; that the Island of Meanguera is part of the sovereign territory of the Republic of El Salvador; and that the Island of Meanguerita is part of the sovereign territory of the Republic of El Salvador (para. 431, subparas. (1), (2), (3), (4) and (5), respectively, of the judgment of 11 September 1992).

4. It follows from the foregoing that even though El Salvador may have considered "all the islands of the Gulf" to be in dispute and requested the Court to recognize its sovereignty over them, the Court was of the opinion that the other islands had not been shown during the proceedings to be in dispute; that, accordingly, El Salvador could not and did not show any evidence or credible principle whereby its claims should take precedence over the rights which Honduras exercises and has always exercised over Conejo Island; and that, consequently, the Court ruled against El Salvador's claims other than those relating to the islands of Meanguera and Meanguerita.

5. The Government of Honduras has regarded the legal situation of the islands in the Gulf of Fonseca as res judicata since 11 September 1992.

6. Nonetheless, on 10 September 2002, the Government of El Salvador filed with the International Court of Justice an application for revision of the 11 September 1992 judgment with respect to the sector containing the mouth of the Goascorán River, to which Conejo Island is attached; in fact, a sandbar is exposed at low tide between the island and the Honduran coast (see the illustration in the appendix). Your Government filed that application in the hope that, if the Court found it admissible, a new ruling might be issued whereby the sector containing the mouth of the Goascorán River and Conejo Island, as a part thereof, would be recognized as belonging to El Salvador. The Court found that application inadmissible in its judgment of 18 December 2003.

7. In the light of the failed application for revision, your Government invoked another artificial claim to Conejo Island, which was rejected by the Government of Honduras, even though it is merely what legal experts refer to as a "paper claim" with no substance. This means that the same Salvadoran claim has been litigated twice, once in relation to the Goascorán sector and once in relation to Conejo Island, and the outcome in both cases was in Honduras's favour.

8. Moreover, it is a contradiction in terms to attempt to characterize as "expansionist" the exercise of sovereignty by a State, Honduras, within its own territory, as legally delimited by the International Court of Justice. The time has come to abide by the decisions of the Court, as El Salvador has exhausted all legal remedies.

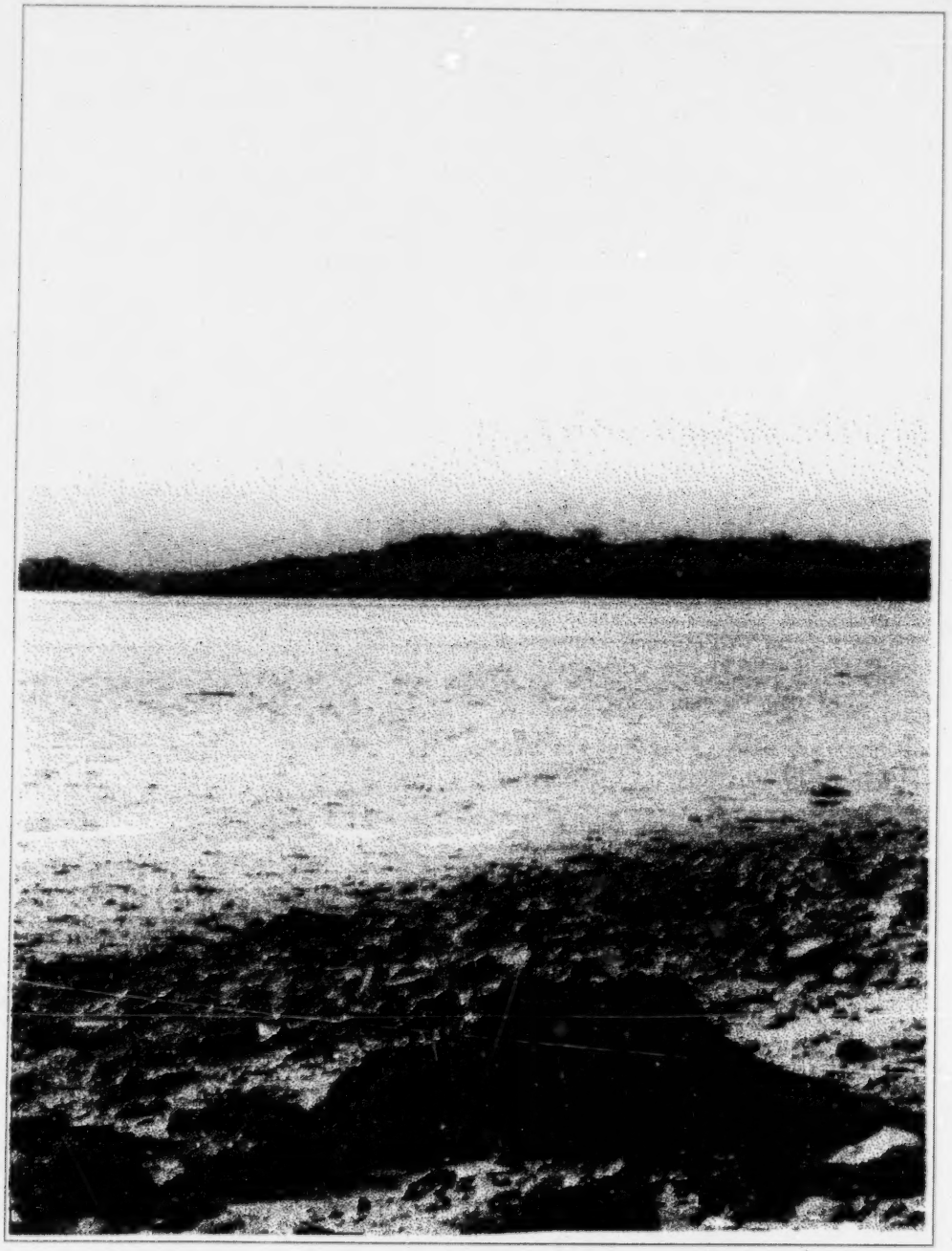
9. The claim to these islands recently took an unexpected turn when the highest authorities of El Salvador stated that they lacked the military capability to claim sovereignty over Conejo Island, and then, on 30 October 2013, announced the procurement of a squadron of A-37 military attack aircraft, presumably in order to provide El Salvador with the military capability it had previously claimed to lack, in the climate of artificial tension created by your Government to oppose Honduran sovereignty. Honduras feels threatened by El Salvador's build-up of its military capability, which disrupts the balance of power against the backdrop of a dangerous media campaign.

10. Lastly, I wish to reiterate the political will of the Government of Honduras to engage in constructive bilateral and trilateral dialogue on the comprehensive development of the Gulf of Fonseca and on the delimitation, by agreement and on the basis of international law, of our respective maritime areas in the Pacific Ocean starting from the mouth of the Gulf, so as to ensure that these projections of the territorial sea, the contiguous zone and the continental shelf are also zones of cooperation and mutual interest for the coastal States, their respective peoples and the friendly nations of the world that wish to see this region make strides on the path to prosperity.

Accept, Sir, the renewed assurances of my highest consideration.

(*Signed*) Mireya **Agüero de Corrales**
Minister for Foreign Affairs

Appendix



The Honduran coast seen from Conejo Island at low tide; photograph by Luis Torres.